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10/583,982	04/23/2007	Mogens Mathiesen	43315-232647	8441

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EXAMINER	
TRUONG, DENNIS	
ART UNIT	PAPER NUMBER
2169	
MAIL DATE	DELIVERY MODE
05/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,982	MATHIESEN ET AL.	
	Examiner	Art Unit	
	DENNIS TRUONG	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6-13,15-19,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6-13,15-19,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/16/2011 has been entered.

Response to Amendment

2. It is acknowledged that claims have been amended claims 1, 7, 13, 15 and 22 have been amended.

3. Claims 1, 3, 4, 6-13, 15-19, 21 and 22 are pending.

Response to Arguments

4. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Statement Regarding 35 USC 101

5. Claims 15-18 recite "computer readable medium" and in view of the specification, page 16 lines 5-7 further defining the medium as "magnetic disk, CD-ROM, or DVD, Hard disk…" This indicates that the medium is drawn to storage medium and not to any form of energy, waves, or any form of propagation or the like, therefore complies with 35 USC 101.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3, 4, 6-13, 15-19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Azleres et al. (US 6646564 B1).**

As per Claim 1, Azleres discloses:

- **A method to carry out at least one of retrieving or accessing information about an equipment, plant or process in a facility comprising a plurality of devices and one or more control systems for process monitoring and control, wherein energy-related information and other data for each said device is stored in a one of said control system systems**, at least by (col. 3 lines 21-52, " automated remote equipment monitoring and control system… Connected to the equipment 100 at one or more location are sensors 102 for monitoring various parameters and conditions that are indicative of equipment operation and performance...possible parameters for measurement and reporting can be electrical amperage draw; internal temperature of the tunnel; temperature of the cryogenic gas, such as nitrogen, as the gas is released into the tunnel; tunnel temperature at the level of the conveyer belt…product characteristics, such as temperature, color, weight, and bacteriological state…the sensors 102 can also be meters that display readings to equipment operators, maintenance personnel, and remote monitoring personnel", and col. 3 lines 63-col. 4 lines 5, "the signals from the sensors 102 pass to be stored on a local database 114 or transmitted across various networks 136 or 140 for storage on a remote global database 126 and for viewing by various equipment

operator, monitor, and maintenance personnel on personal computers, terminals, and workstations 112, 120, 124, and 130.")

- **the method comprising: logging in to the control system by a maintenance user,** at least by (col. 5 lines "access to the system is further secured through a series of passwords, logon identifiers, and personal identifiers issued to the users of the system and to the various locations of the monitoring and access devices as represented by computers, workstations, and portable devices 112, 120, 124, 130, and 134…");
- **configuring a software entity recorded on a computer readable medium with an identity of the said equipment, plant or process, the software entity comprising links to information regarding all equipment, plant, and processes monitored and controlled by the control systems**, at least by (col. 6 lines 1-4, "The personal computer 112 can be used by equipment operators and equipment maintenance personnel to efficiently monitor and control the operation of the equipment 100. The display of the personal computer 112 can be programmed to constantly display selectable readings from the sensors 102, thereby providing a constant, real-time display of the operating conditions and performance of the equipment 100");
- **retrieving by the control system, utilizing the links, information associated with said equipment, plant or process with the configured software entity, the information comprising maintenance information, technical information, operational information, and contact information for at least one of internal users and external users having technical knowledge about the selected equipment, plant or process**, at least by (col. 9 lines 40-50, " Information available to the users of the various computers

112, 120, 124, 130, and 134 having access to the system can be customized, based on logon authority and particular computer site. For example, real-time data can be made available to equipment operators; machine-specific and alarm condition-specific maintenance instructions can be made available to equipment operators; historical maintenance reports can be made available to maintenance personnel; production reports can be made available to plant managers; invoice and billing reports can be made available to sales and accounting personnel; and performance and repair trend reports can be made available to capital equipment planning personnel", col. 14 lines 4-13, "system can determine whether any such accepted cryogeny experts are logged on to the system through any remote terminals 120, 124, 130, or 134. If an expert is logged on, an inquiry by on-site personnel through the personal computer 112 will be routed to the expert across the network 140 to the appropriate remote terminal 120, 124, 130, or 134. If no such expert is immediately available, the system can direct an inquiry message, email, or page to all qualified and retained experts for their subsequent notification, consideration, and response", where all qualified and retained experts incorporates both internal and external users having technical knowledge about the selected equipment.)

- **sending a message by the control system to the logged in maintenance user of an event or alarm related to the equipment, plan or process,** at least by (col. 11 lines 10-15, "The controller can activate an audible alarm 108 in the proximity of the equipment 100 and can also activate an alarm message and an audible alarm on any online computer 112, 120, 124, 130, and/or 134 that are authorized to receive alarms triggered by the particular sensor 102.")

- **presenting or displaying by the control system to the maintenance user on a portable computing device at least information about the event or alarm for said equipment, plant or process and at the location of said equipment, plant or process utilizing by the maintenance user the information to address the new event or alarm,** at least by (col. 11 lines 51-59, "Upon receiving an alarm signal at a local personal computer 112, the on-site equipment operators or maintenance personnel can view the alarm signal information, which can include the identification of the particular sensor 102 that is out-of-range, the reading from the sensor 102, the degree to which the reading is out of range, whether a service technician has been dispatched from the call center, whether a service technician is already on site, and instructions to resolve the out-of-range condition", col. 9 lines 20-30 "the controller 106 initiates communication to a predetermined list of computers 112, 120, 124, 130, and 134, displaying a warning or alarm message on the screen of the corresponding device and/or activating an audible alarm on or at the site of the selected devices. As discussed above regarding portable devices 134, the computers and terminals in electronic contact with the controller 106 need not be limited to conventional computer-style terminals and can include many types of communication devices, such as cellular telephones, pagers, and personal digital assistants");
- **and requesting contact by the maintenance user utilizing the portable computing device with at least one internal user or at least one external user about the equipment, plant or process if the maintenance user cannot address the new event or alarm with the retrieved information, identifying by the control system the at**

least one internal user or at least one external user based upon the event or alarm and the equipment, plant or process, providing contact by the control system with the at least one internal user or least one external user and providing of information to the maintenance user by the at least one internal user or at least one external user to address the new event or alarm, at least by (col. 12 lines 20-32 "the on-site personnel can contact the remote terminal 130 at the call center through the programmable logic controller 106 and leave a message regarding the error condition on the equipment 100 and requesting assistance. The on-site personnel can also access the local database 114 or informational resources available across the network 140, such as a secured web page on the Internet, to obtain diagnostic and repair instructions for the particular error condition that has been alarmed… Once on-site, dispatched service personnel (or the local equipment operators using instructions obtained from the monitoring system) access the equipment 100", col. 14 lines 4-13, an inquiry by on-site personnel through the personal computer 112 will be routed to the expert across the network 140 to the appropriate remote terminal 120, 124, 130, or 134. If no such expert is immediately available, the system can direct an inquiry message, email, or page to all qualified and retained experts for their subsequent notification, consideration, and response").

As per claim 2, canceled.

As per claim 3, claim 1 is incorporated and Azleres discloses:

- **assigning the new event or alarm for said equipment, plant or process to a maintenance user,** at least by (col. 11 lines 10-15, "The controller can activate an

audible alarm 108 in the proximity of the equipment 100 and can also activate an alarm message and an audible alarm on any online computer 112, 120, 124, 130, and/or 134 that are authorized to receive alarms triggered by the particular sensor 102.", at least by (col. 11 lines 51-59, "Upon receiving an alarm signal at a local personal computer 112, the on-site equipment operators or maintenance personnel can view the alarm signal information…")

As per Claim 4, Claim 1 is incorporated and further Azleres discloses:

- **retrieving an address for an external user or expert and presenting the address to the maintenance user**, at least by (col. 14 lines 4-13, "the system can direct an inquiry message, email, or page to all qualified and retained experts for their subsequent notification, consideration, and response").

As per Claim 5, canceled.

As per Claim 6, Claim 4 is incorporated and further Azleres discloses:

- **establishing a shared display or shared computer application contact between the external user or expert and the maintenance user,** at least by (col. 8 lines 28-45, "The user of the computer 130, with proper logon authority, can view the readings from the sensors 102 and can direct the camera 110 to create a video connection between the equipment site and the call center to provide images of the equipment site to help diagnose any problems signaled to the computer 130. Commands can be issued from the computer 130 across the networks 140 and 136 and through the controller 106 to the controls 104 to remotely modify the operating settings and parameters of the equipment 100. This feature permits company personal and/or manufacturer service personnel

located in another facility to remotely monitor and control the equipment 100, even to the extent that no one is required to be on site where the equipment 100 is located. Additionally, instructions and/or queries can be routed from the computer 130 to the graphical user interface of the on-site computer 112 to instruct on-site maintenance and repair personnel the proper steps to take to resolve any out-of-range condition," and col. 14 lines 10-15, "These same network and communication facilities can permit an online forum in which a real-time discussion can occur with one or more experts").)

As per Claim 7, Claim 1 is incorporated and further Azleres discloses:

- **configuring a selected technical characteristic of the selected said equipment, plant or process with an indicator of a high, medium or low priority for returning the said equipment, plant or process to a normal state,** at least by (col. 11. lines 5-10, "If the readings are out-of-range, or non-standard, or violate a predetermined minimum or maximum value, the controller generates an alarm signal at step 206. The alarm signal can be variable, depending on the sensor 102 implicated and the degree of out-of-range that has been detected", the variable alarm depending on the degree of out-of range provides the different indicators of a high, medium or low priority for returning the said equipment, plant or process to a normal state as claimed.)

As per claim 8, claim 1 is incorporated and further Azleres discloses:

- **configuring a technical information link of component of a said equipment, plant or process with an identity of an internal user with access to relevant technical information**, at least by (col. 5 lines 47-64, "Endowing users with a specific level of authority by one or more of a combination of logon identification, user classification, and

access location not only adds to the security of the monitoring and control functions but also permits the system to customize the access for each user. By way of example and not limitation, a user logged on as a manager on the remote computer 124 can be granted access for viewing certain data on the remote database 126 and real-time data from certain sensors 102 by virtue of the user's status as a manager but can be denied operational authority over the controls 104 because of the user's logon through the remote computer 124. In another example, a particular remote user on a personal computer 130 may be interested in only a finite number of pieces of equipment 100 and can correspondingly tailor the information and layout presented on the graphical user interface of the personal computer 130 to best serve his or her needs").

As per Claim 9, Claim 8 is incorporated and further Azleres discloses:

- **configuring said equipment, plant or process with an identity of the internal user with dependent on information recorded in the internal user profile,** at least by (col. 5 lines 47-64, "Endowing users with a specific level of authority by one or more of a combination of logon identification, user classification, and access location not only adds to the security of the monitoring and control functions but also permits the system to customize the access for each user. By way of example and not limitation, a user logged on as a manager on the remote computer 124 can be granted access for viewing certain data on the remote database 126 and real-time data from certain sensors 102 by virtue of the user's status as a manager but can be denied operational authority over the controls 104 because of the user's logon through the remote computer 124. In another example, a particular remote user on a personal computer 130 may be interested in only a finite

number of pieces of equipment 100 and can correspondingly tailor the information and layout presented on the graphical user interface of the personal computer 130 to best serve his or her needs").

As per Claim 10, Claim 8 is incorporated and further Azleres discloses:

- **configuring said equipment, plant or process with an identity of a user with dependent on information recorded in the internal profile classified by any from the list of: responsibility, training, certified qualification, work experience**, at least by (col. 5 lines 47-64, "Endowing users with a specific level of authority by one or more of a combination of logon identification, user classification, and access location not only adds to the security of the monitoring and control functions but also permits the system to customize the access for each user. By way of example and not limitation, a user logged on as a manager on the remote computer 124 can be granted access for viewing certain data on the remote database 126 and real-time data from certain sensors 102 by virtue of the user's status as a manager but can be denied operational authority over the controls 104 because of the user's logon through the remote computer 124. In another example, a particular remote user on a personal computer 130 may be interested in only a finite number of pieces of equipment 100 and can correspondingly tailor the information and layout presented on the graphical user interface of the personal computer 130 to best serve his or her needs").

As per Claim 11, Claim 1 is incorporated and further Azleres discloses:

- **attaching a user observation to the retrieved information associated with said equipment, plant or process as any from the list of: a text message, a video clip, a**

photograph, sketch, sound recording, at least by (col. 7 lines 2-18, "The camera 110 can be activated through the personal computer 112 for displaying a real-time image of the equipment 100 and the room in which the equipment 100 is located. Alternatively, certain pre-determined conditions detected on the equipment 100, such as excessive temperature or a shut-down, can automatically trigger the activation of the camera 110 and the subsequent recording of the images. Authorized personal utilizing the personal computer 112 can direct the camera through its motor-controlled mobility to view selected parts of the equipment 100 or the equipment room. Similarly, the programmable logic controller 106 can be programmed to direct the camera to automatically direct its lens to a particular portion of the equipment 100 or the equipment room that is generating an out-of-range reading from a sensor 102. The images captured by the camera 110 can be stored on the local database 114 for archiving and for later viewing and analysis", and col. 14 lines 10-15, "system can direct an inquiry message, email, or page to all qualified and retained experts for their subsequent notification, consideration, and response. These same network and communication facilities can permit an online forum in which a real-time discussion can occur with one or more experts").

As per Claim 12, Claim 1 is incorporated and further Azleres discloses:

- **carry out a repair, re-configure, re-programming or replacement of a faulty part of said equipment, plant or process based at least in part on technical information associated with said equipment, plant or process retrieved and/or presented utilizing the software entity,** at least by (col. 12 lines 63-67, "Once the alarm condition has been resolved, whether automatically by the controller 106 or manually by service or operator

personnel, the response taken to address the out-of-range condition is logged at step 214")

Claim 13 refers to a computer program product for retrieving and/or accessing information about an equipment, pant or process comprising a computer readable medium and computer code means corresponding to method claim 1, and is rejected under the same reason set forth in connection to rejections of claim 1. Where **Azleres** further discloses a computer program product on at least by (col. 4 lines 58-64 "the processor of the programmable logic controller 106 can be programmed to modify the actuators or operating controls 104 of the equipment 100 in response to various sensor 102 readings, thereby automatically controlling all aspects of the operation of the equipment 100 in direct response to the readings of the sensors 102".)

As per claim 14, canceled.

Claims 15 refers to a software architecture recorded on a computer readable medium for retrieving and accessing information about an equipment, pant or process comprising a plurality of devices and one or more control system for process monitoring and control corresponding to the method claim 1 respectively, and are rejected under the same reason set forth in connection to rejections of claim 1 respectively above. Where **Azleres** further discloses a computer program product on at least by (col. 4 lines 58-64 "the processor of the programmable logic controller 106 can be programmed to modify the actuators or operating controls 104 of the equipment 100 in response to various sensor 102 readings, thereby automatically controlling all aspects of the operation of the equipment 100 in direct response to the readings of the sensors 102".)

Claim 16-18 refer to a software architecture recorded on a computer readable medium for retrieving and accessing information about an equipment, pant or process comprising a plurality

of devices and one or more control system for process monitoring and control corresponding to the method claim 4 and is rejected under the same reason set forth in connection to rejections of claim 4 above. Where **Azleres** further discloses a computer program product on at least by (col. 4 lines 58-64 "the processor of the programmable logic controller 106 can be programmed to modify the actuators or operating controls 104 of the equipment 100 in response to various sensor 102 readings, thereby automatically controlling all aspects of the operation of the equipment 100 in direct response to the readings of the sensors 102".)

Claims 19 is a control system claim corresponding to the method claim 1, and is rejected under the same reason set forth in connection to rejections of claim 1 respectively above. Where **Azleres** discloses a system depicted by Fig. 1.

As per claim 21, claim 1 is incorporated and further Azleres discloses:

- **wherein the maintenance information comprises at least one of service history or service documentation**, at least by (col. 12 lines 10-20, "on-site personnel can access the monitoring system through the personal computer 112 to observe and review the events occurring on the equipment and its various operating parameters as reported from the sensors 102 through the controller 106 and stored in a historical log on the local database 114. If the on-site personnel have been notified through the system that service personnel have already been dispatched or on site, or if the historical log indicates service personnel are responding to the alarm, the on-site personnel need only wait for help to arrive.")

As per claim 22, claim 1 is incorporated and further Azleres discloses:

- **wherein the information further comprises system data, user data, object data, technical information, specification, supplier information; a user knowledgeable**

about the equipment, plant, or process; a user responsible the equipment, plant, or process; users trained about the equipment, plant, or process; technical drawings of the equipment, plant, or process; contact information regarding users of the equipment, plant, or process; or safety information regarding the equipment, plant, or process, at least by (col. 13 lines 3-25, "information, and reports are available through the data and communication links of the present monitoring and control system. Some of these resources that have not yet been discussed are summarized as follows: Summary reports of all monitored equipment 100 at one or multiple sites can be generated from the global database 126, providing such information as charts of selected sensor readings across a selected time frame; productivity of the equipment 100 in terms of the count and/or weight of product processed in a selected time frame; trend data regarding production or maintenance life based on past history of the machine or like machines, even from other equipment sites; and operating summary including run time, down time, and alarms. Custom databases and reports can be built from the primary historical file on the global database 126, allowing customers limited access to information selected and formatted according to the customer' individual preferences. All reports can be accessed on demand or can be automatically generated and transmitted according to a predetermined schedule. Historical information from throughout a company or a manufacturer can be assembled and either made available centrally or disseminated to all databases 114 and 126 as the collective intelligence of the equipment 100 and/or industry" Further data information has been disclosed through out this office action and the prior art cited that is related to the information claimed).

As per claim 23, canceled.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS TRUONG whose telephone number is (571)270-3157. The examiner can normally be reached on MON - FRI: 7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mahmoudi Tony can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Truong/
Examiner, Art Unit 2169